

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Harold Benitez,

Plaintiff,

v.

Case No. 13-cv-328

Brandon Eitel, *et al.*,

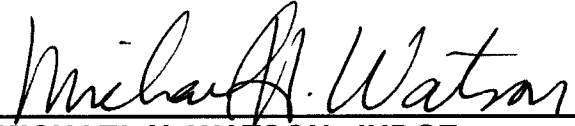
Judge Michael H. Watson

Defendants.

OPINION AND ORDER

Several defendants moved to dismiss Plaintiff's prisoner civil rights case for lack of prosecution and failure to perfect service. Mot. Dismiss, ECF No. 18. The Magistrate Judge recommended the Court deny the defendants' motion. R&R , ECF No. 31. The R&R advised the parties that they may file objections within fourteen days and that failure to file objections would result in a waiver of the right to *de novo* review of the R&R by the undersigned as well as waiver of the right to appeal the judgment of the District Court. R&R 11, ECF No. 31. The time for filing objections has passed, and none have been filed. Accordingly, the Court **ADOPTS** the R&R, ECF No. 31, and **DENIES** the defendants' motion to dismiss, ECF No. 18. The Court **GRANTS** Plaintiff a Rule 4(m) discretionary extension and retroactively extends the service deadline nine days, until October 9, 2013.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT